



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/992,504	12/17/1997	EDWARD W. HOLLAND		3900

7590 11/19/2002

RICHARD T. LYON
LYON HARR & DEFRANK
300 ESPLANADE DRIVE
SUITE 800
OXNARD, CA 93030

EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No. 08/992,504	Applicant(s) HOLLAND ET AL.	
	Examiner Alfred Joseph Wujciak	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-77, 81-82, 86-93 is/are rejected.
- 7) ☒ Claim(s) 78-80, 83-85 and 94 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the third Office Action for the serial number 08/992,504, Support Stand for Holding Display Items, filed on 12/17/97.

In view of the appeal brief filed on 9/6/02, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 75-77, 81-82, 86-87, and 92-93 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 1,780,872 to Dumben.

Dumben teaches a support stand (figure 2) comprising a flat planar rigid base (5) and a pair of support members (17) disposed on a top surface of the base. Each support member having a single, planar holding surface (figure 2, a). The support members are substantially perpendicular to the top surface of the base. The support members are slidably engaged (16) with the top surface of the base. A securing apparatus (12,19) is capable of releasably securing the support members (17). The second support member (other support member transverse from the first support member) is permanently affixed to the base (figure 2) and slidably engaged with the top surface of the base. The support members comprise an L-shaped bracket wherein a first leg (17) of bracket extends substantially perpendicular to the base and having a face forms the planar holding surface. A second leg (16) of bracket has a face, which is slidably engaged with the top surface of base. The base has bottom surface (6), which is in contact with the ground and prevent a display from tipping over. The top and bottom surfaces are in elongated rectangular-shapes. The surfaces are perpendicular to the support members (figure 2).

In regard to claims 92 and 93, the support member is disposed on a top surface of the base having a single planar holding surface. The support member is slidable inward or outward on the base. The stand comprises a first securing apparatus (19) capable of releasably securing the support member to the base so as to prevent relative motion between the member and the base and a second securing member (the other

support member, 17, is a securing member for supporting an item when the single member is pressing against the item from the other side) for attaching the support member to an item placed against the planar holding face of the support member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 88, 90-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumben.

In regards to claim 88, Dumben teaches the top and bottom surfaces of the base but fails to teach they are in a square shape. It would have been obvious to the designer's choice to have modified the elongated rectangular to a square shape to provide an ornament appearance. Appellant has asserted no unexpected critically in making the base square shaped.

In regard to claim 90-91, Dumben teaches the base and support members being made of metal (col.1, line 33-40) but fails to teach they are coated with a rust-resistant plating material. It would have been obvious to the designer's choice to have added the

rust-resistant plating material to the base and support members to prevent the corrosion of rust. Appellant has asserted no unexpected critically in making the use of rust resistant coating.

Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dumben in view of US Patent # 4,966,340 to Hunter.

Dumben teaches the base but fails to teach the base having at least two wheels. Hunter teaches a base (40) having at least two wheels (30). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added Dumben base with wheels as taught by Hunter to provide a convenience in moving the base of Dumben from one location to another.

Allowable Subject Matter

Claims 78-80,83-85 and 94 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach the securing apparatus comprising a threaded knob. The prior art fails to teach the support stand having the second pin disposed further outward on the base. The prior art fails to teach the first leg of the support member comprises at least one through-hole disposed adjacent the distal end of the leg.

Response to Arguments

Referring to applicant's argument on page 7, in the middle of paragraph, stating that the base in Dumben invention does not show a flat or planar surface and the base is a hollow housing. The examiner believes that on figure 1 in Dumben, the invention shows that the top surface of the base is a flat or planar surface. The flat surface on the base allows the support member(s) to slide along the top surface of the base. If the surface on the base were not flat, it would be impossible to move the supporting member.

On pages 7-8 of the applicant's argument, the appellant disagreed that Dumben teaches the support members being disposed on the top surface of the base. The examiner believes that on Figure 7 in Dumben, the invention shows that the support member is disposed on the top surface of the base. The support member has a planar surface with four edges, the two edges on the bottom of the planar surface are resting on the base as shown in figure 7. Both edges provide a stable support for the support member from wobbling when changing the location of the support member.

In respect to applicant's argument on pages 9-11, the applicant argues that Dumben screws (19) do not prevent relative motion between the base and the book ends. The screw (19) in Dumben's invention shows that the screw keeps the book ends within the base when changing the location of the book ends. The book ends would not

slide out of the base when moving the ends. The examiner believes that if the screw (19) are screwed tight against the sliding block (12), it would prevent the book ends from sliding.

In regards to applicant's argument on page 11, the applicant argues that Dumben does not teach the second support member being permanently affixed to the base and slidably engaged with the surface of the base. On figure 7 of Dumben's invention shows the slidable floating block (12) secures the second support member within and on the base. The slidable floating block is connected to a slidable block (16), which allows the support member to slide along the top surface of the base. The examiner believes that Dumben teaches the second support member being permanently affixed to the base and slidably engaged with the surface of the base.


Application/Control Number: 08/992,504
Art Unit: 3632


Page 8

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is 703 306 5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703 308 2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9326 for regular communications and 703 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.


Joey Wujciak
November 18, 2002


RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355 3632